

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

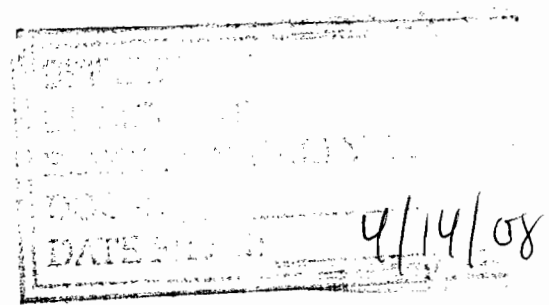
-----X  
KINGSLEY ALPHONSO BURNETT,

Plaintiff,

-v.-

U.S.C.I.S.

Defendants.  
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: ORDER

: 07 Civ. 7385 (RMB) (GWG)

**GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE**

On April 4, 2008, the Government wrote the Court a letter, with a copy sent to the Court, alleging that Mr. Burnett had not cooperated in answering questions at his deposition and had cancelled a deposition at the last minute. The Government's requested that the Court order plaintiff to appear for his deposition or have his case dismissed.

The Court scheduled a conference for today, April 11, 2008 at 4:15 p.m. At that time it was scheduled (on April 7, 2008), the clerk instructed the Government attorney, Ms. Oeltjen, to inform Mr. Burnett of the conference.

Ms. Oeltjen appeared at the conference but Mr. Burnett failed to appear. Ms. Oeltjen informed the Court that she was unable to reach him by telephone and had sent a letter to him informing him of today's conference.

Accordingly, it is hereby ORDERED that Mr. Burnett must, on or before April 28, 2008 (1) send the Court a letter explaining his absence from today's conference and his failure to appear at the deposition scheduled by the Government;<sup>1</sup> (2) call a clerk to the Court (at (212) 805-4260) to confirm that he received this Order; and (3) call Ms. Oeltjen to discuss whether they can reach an agreement on how to proceed with this case.

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<sup>1</sup>The letter should be sent to:

Judge Gabriel W. Gorenstein  
U.S. District Court  
500 Pearl Street  
New York, New York 10007

If plaintiff fails to comply with each of these three directives, the Court may dismiss this case for failure to prosecute. Mr. Burnett is reminded that the Pro Se Office at the United States Courthouse, 500 Pearl Street, Room 230, New York, New York 10007 ((212) 805-0175) may be of assistance to pro se litigants in connection with court procedures.

SO ORDERED.

Dated: New York, New York  
April 14, 2008

  
GABRIEL W. GORENSTEIN  
United States Magistrate Judge

Copies to:

Kingsley Alphonso Burnett  
303-11 West 117th Street, #5H  
New York, NY 10026

Natasha Oeltjen  
Assistant United States Attorney  
86 Chambers Street, 3rd Floor  
New York, NY 10007